

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----	x	
UNITED STATES OF AMERICA	:	ORDER PERMITTING REMOTE
	:	TESTIMONY BY DANIEL
-v.-	:	GORDON
TIMOTHY SHEA,	:	S2 20 Cr. 412 (AT)
Defendant.	:	
-----	x	

On the motion of the United States of America, by the United States Attorney for the Southern District of New York, Damian Williams, by Assistant United States Attorneys Mollie Bracewell, Robert B. Sobelman, and Derek Wikstrom (Dkt. No. 317), and with the consent of the defendant, TIMOTHY SHEA, through his counsel, John Meringolo, Esq.:

WHEREAS, the Government intends to call Daniel Gordon to testify in the Government's case-in-chief at the trial that commenced yesterday, October 24, 2022;

WHEREAS, the Government has made good-faith and reasonable efforts to obtain Mr. Gordon's presence and is unable to do so because Mr. Gordon is experiencing ongoing cold-like symptoms that are consistent with COVID-19 symptoms and therefore is unable to enter the courthouse in light of those symptoms, resulting in exceptional circumstances that have rendered him unavailable to testify in-person at trial;

WHEREAS, the courthouse's COVID-19 protocols are essential to protective the safety and health of the trial participants, including the jury, as well as members of the public who attend court proceedings and the ongoing administration of justice in the courthouse;

WHEREAS, the Government's case-in-chief is anticipated to last approximately two trial days, rendering Mr. Gordon unavailable to testify in-person before the close of the Government's case-in-chief;

WHEREAS, Mr. Gordon's testimony is material to the issues being tried in this case;

WHEREAS, it is in the interests of justice to permit Mr. Gordon to testify by two-way video, *see United States v. Gigante*, 166 F.3d 75, 81 (2d Cir. 1999), and permitting Mr. Gordon's testimony by such means because it is necessary to further an important public policy and the reliability of the testimony is otherwise assured, *see Maryland v. Craig*, 497 U.S. 836 (1990);

WHEREAS, the defendant, TIMOTHY SHEA, through his counsel, consents to the Government's request to permit Mr. Gordon to testify remotely;

NOW, THEREFORE, IT IS HEREBY ORDERED, that Mr. Gordon shall be permitted to testify remotely by two-way video in the trial in this matter.

Dated: New York, New York
October 25, 2022

SO ORDERED:



THE HONORABLE ANALISA TORRES
UNITED STATES DISTRICT JUDGE